IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6867 OF 2000

WITH

WRIT PETITION NO. 3097 OF 2003

WITH

WRIT PETITION NO. 4105 OF 2003.

WRIT PETITION NO.6867 OF 2000

Shripad V. Athavale .... Petitioner.

V/s

The Sangli Bank Ltd. & Ors..... ... Respondents.

None for the petitioner.

Mr.J.P. Cama with Mr.G.H.Keluskar for respondent No.1.

WRIT PETITION NO. 3097 OF 2003

Balraj @ Balasaheb Anandrao Sanglikar..... ... Petitioner

V/s

The Sangli Bank Ltd. & Ors.... ... Respondents.

None for the petitioner.

Mr.J.P.Cama with Mr.S.V.Kher for respondent No.1.

Mr.Nameshdutt P. Sharma, adv. For respondent No.3.

WRIT PETITION NO. 4105 OF 2003

Gurubasappa Mallappa Mahajan... . . ... Petitioner

V/s

Sangli Bank Ltd. & Ors.... ... Respondents.

None for the petitioner.

Mr.J.P. Cama with Mr.S.V.Kher for respondent No.1.

CORAM: V.G. PALSHIKAR

AND

D.B. BHOSALE, JJ.

19.8.2005

PC:

All these petitions claims a direction to the respondent-Sangli Bank Ltd. to declare that the petitioners have voluntarily retired from service of the bank and they are therefore entitled to receive pensionary benefits.

2. The respondent-bank has contended that the Sangli Bank is a private banking company and is not State ' within the meaning of Article 12 of the Constitution of India. Article 12 of the Constitution contemplates State or other instrumentality of State for the purposes of para 3 of the Constitution which pertains to fundamental rights. Whereas service condition of employer and employee are governed by rules framed by employer for that purpose and at the most have statutory force. It cannot be said that its a fundamental right of a person to a particular kind of service. Apart from that the issue as to whether such bank is State or not is finally decided by the Supreme Court of India in the case of ***Federal Bank Ltd.*** v. ***Sagar Thomas***, 2003 III 801.

3. This Court also following the decision as held in the case of ***Madhusudan Waman Desai*** v. ***Ratnagiri District Central Co-op. Bank Ltd. & Anr.***, 2004 III CLR 1031 that it is not a State. Thus the question raised by these petitions is squarely

covered by the decision of this Court and the judgment of the Hon'ble Supreme Court of India in ***Federal Bank's*** case (supra). Hence all these petitions are dismissed as not maintainable. It is however made clear that any other remedy which may exist is open for the petitioners to pursue their claims. Petitions accordingly stand dismissed.